

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACK WAYNE FRIEND,  
Petitioner,

v.

RON DAVIS, Warden, San Quentin State  
Prison,  
Respondent.

Case No. 15-cv-03514-HSG

DEATH PENALTY CASE

**ORDER GRANTING MOTION TO  
WITHDRAW PREVIOUSLY FILED  
PRO SE MOTIONS**

Re: Dkt. Nos. 31, 33

Petitioner filed a *pro se* “Request for Appropriate Relief” that sought to (1) remove as counsel the Federal Public Defender for the District of Arizona, (2) dismiss the current federal habeas proceeding, and (3) issue an order of execution “by any means available” within thirty days. ECF Dkt. No. 31. Based on these requests, the Court invited a response from Petitioner’s counsel. ECF Dkt. No. 32. Prior to Petitioner’s counsel filing a response, Petitioner filed a second *pro se* pleading entitled, “Request to Set Aside the Previous Submitted Declaration.” ECF Dkt. No. 33. In this motion to set aside his initial motion, Petitioner stated that he would determine whether to withdraw his prior request for dismissal or continue seeking an execution date following his review of the finalized petition for writ of habeas corpus.

Petitioner’s counsel has now filed a response that states that Petitioner’s concerns have been alleviated by the finalized petition for writ of habeas corpus and that counsel is authorized to represent that Petitioner no longer wishes to dismiss his federal habeas proceedings or volunteer for execution. ECF Dkt. No. 36. Through counsel, Petitioner seeks to withdraw his previously filed motions. Respondent agrees that no further action should be taken at this time aside from allowing Petitioner to withdraw the two motions. ECF Dkt. No. 37.

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The Court construes counsel’s Response to Petitioner’s *Pro Se* Motions as a motion to withdraw Petitioner’s two previously filed *pro se* motions. So construed, the motion is GRANTED.

The Clerk shall serve this Order directly on Petitioner.

**IT IS SO ORDERED.**

Dated: 4/12/2017

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge